

IN THE UNITED STATES COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,)
Plaintiff,)
)
vs.)
)
VICTORIA A. ZUPKO,)
Defendant.)

CASE NO: 23-CR-71-ABJ

DEFENDANT'S EMERGENCY MOTION FOR RELEASE TO ATTEND FUNERAL

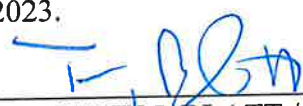
COMES NOW, the Defendant, Victoria A. Zupko, by and through her attorney, Timothy J. Blatt, and respectfully moves the Court for an Order directing the Scotts Bluff, Nebraska Detention Center, in its capacity as a holding facility for Federal inmates for the District Of Wyoming to release the Defendant to attend her grandfather's funeral services on June 1, 2023. In support thereof, it is stated:

1. On or about April 5, 2023, the Defendant appeared before this Court for a Detention Hearing and Preliminary Hearing;
2. That Defendant signed a Waiver of a Preliminary Hearing on or about April 5, 2023;
3. That Defendant is scheduled for an Initial Appearance/Arraignment on June 2, 2023, at 10:15 a.m. before the Honorable Kelly H. Rankin;
4. That the Defendant is currently in custody and has been incarcerated since on or about March 24, 2023;
5. That the Defendant's grandfather, Toby Ronald Rathie, passed away on April 27, 2023, please see Defendant's Exhibit "A" which is attached and incorporated herein;
6. That the Defendant's grandfather's funeral will be held on June 1, 2023, at the Smith Funeral Chapel in Billings, Montana;

7. Counsel for the Plaintiff, Assistant United States Attorney, Michael J. Elmore, is aware of the Defendant's grandfather's death and does not object to the Defendant being released to attend his funeral; and
8. That it would be in the best interests of justice for the Court to modify the bond.

WHEREFORE, it is respectfully requested this Court issue an Order directing the District of Wyoming Department of Corrections to release the Defendant on the 31st day of May, 2023, to attend her grandfather's funeral service on June 1, 2023, at the Smith Funeral Chapel in Billings, Montana.

DATED this 22nd day of May, 2023.


TIMOTHY J. BLATT # 6-3517
Blatt Law Firm
P.O. Box 220
Cody, WY 82414
307-578-7281

CERTIFICATE OF SERVICE

I, Timothy J. Blatt, attorney for the Defendant, do hereby certify that I caused a true and correct copy of the above and foregoing document to be served on the attorney for Plaintiff, Michael J. Elmore, Assistant United States Attorney, by emailing the same to his office and usual place of business at Michel.Elmore@usdoj.gov on the 22nd day of May, 2023.


TIMOTHY J. BLATT

STATE OF MONTANA

CERTIFICATION OF VITAL RECORD



YELLOWSTONE COUNTY

CERTIFICATION OF A DEATH CERTIFICATE

FILE #: 202356-003782

FULL NAME OF DECEASED: Toby Ronald Rathie

SEX: Male

DATE OF DEATH: April 27, 2023

PLACE OF DEATH: BILLINGS

RACE: White

DATE OF BIRTH: [REDACTED]

BIRTHPLACE: Butte, Montana

MOTHER'S NAME: Leona M Engler

FATHER'S NAME: Torbjorn Haakon Rathie

MARITAL STATUS: Widowed

SPOUSE:

SOCIAL SECURITY NUMBER: [REDACTED]

VETERAN OF ARMED FORCES: Yes

RESIDENCE: Powell, Wyoming

FUNERAL FACILITY: Smith Funeral Chapel

PLACE OF DISPOSITION: Smith Crematory

Billings

METHOD OF DISPOSITION: Cremation

MANNER OF DEATH: Natural

DATE FILED: May 04, 2023

CAUSE OF DEATH:

a. HYPOXIC RESPIRATORY FAILURE

ONSET:

DAYS

b. PNEUMONIA

DAYS

c. PULMONARY EMBOLISM

DAYS

OTHER SIGNIFICANT CONDITIONS:
MALNUTRITION, LYMPHOMA

NAME AND ADDRESS OF CERTIFIER:


Carson King, PO Box 31598, Billings, Montana 59107

DATE ISSUED: May 04, 2023

BY: 

1466310

This certifies that this document is a true duplication
of the original information on file with the Department
of Public Health and Human Services.


Clerk and Recorder


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ORDER MODIFYING BOND

THIS MATTER having come before the Court upon the Motion of the Defendant for an Order allowing emergency release of Defendant to attend her grandfather's funeral in the above-entitled; the Court being otherwise fully advised in the premises;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Defendant, Victoria A. Zupko, shall be released on the 31st day of May, 2023, on or before 6:00 a.m. to attend her grandfather's funeral service at the Smith Funeral Chapels in Billings, Montana.

IT IS FURTHER ORDERED that the Defendant shall appear with counsel on June 2, 2023, at 10:15 a.m. for the Initial Appearance/Arraignment in Cody, Wyoming;

IT IS FURTHER ORDERED that the Defendant shall immediately travel from Cody, Wyoming after her attendance at the Initial Appearance/Arraignment and check herself back into custody on June 2, 2023, on or before 10:00 p.m.

INTENTIONALLY LEFT BLANK

IT IS FURTHER ORDERED that all other terms and conditions of said Bond Conditions previously set by the Court and not modified herein shall remain in full force and effect.

DATED this _____ day of _____, 2023.

HONORABLE KELLY H. RANKIN

APPROVED AS TO FORM:

Michael J. Elmore
Assistant United States Attorney

cc: Michael J. Elmore

Timothy J. Blatt
Blatt Law Firm
P.O. Box 220
Cody, WY 82414